

432-1356

12/23/2013

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460



OFFICE OF
CHEMICAL SAFETY AND
POLLUTION PREVENTION

December 23, 2013

Dr. Norma C. Pangilinan
Bayer Environmental Science
2 T.W. Alexander Drive
Research Triangle Park, NC 27709

Subject: Label notification to add restrictions for the state of Oregon, per PRN 98-10

Dear Dr. Pangilinan:

The Agency is in receipt of your Application for Pesticide Notification under Pesticide Registration Notice (PRN) 98-10, dated December 10, 2013 for "Merit 0.45 Plus Turf Fertilizer" EPA Registration No. 432-1356.

The Registration Division (RD) has conducted a review of the request for applicability under PRN 98-10 and finds that the changes requested fall within the scope of PRN 98-10. The label submitted with the application has been stamped "Notification" and will be placed in our records.

If you have any questions, please contact me directly at 703-308-8735 or email me at chao.julie@epa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Julie A. Chao".

Julie A. Chao
Insecticide-Rodenticide Branch
Registration Division (7505P)
Office of Pesticide Programs



United States
Environmental Protection Agency
 Washington, DC 20460

Registration
 Amendment
☒ Other

OPP Identifier Number

Application for Pesticide - Section I

1. Company/Product Number 432-1356	2. EPA Product Manager Venus Eagle	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) Merit 0.45 Plus Turf Fertilizer	PM# 1	
5. Name and Address of Applicant (Include ZIP Code) Bayer Environmental Science 2 T. W. Alexander Drive Research Triangle Park, NC 27709 <input type="checkbox"/> Check if this is a new address	6. Expedited Review. In accordance with FIFRA Section 3(c)(3) (b)(i), my product is similar or identical in composition and labeling to: EPA Reg. No. _____ Product Name _____	

Section - II

<input type="checkbox"/> Amendment - Explain below.	<input type="checkbox"/> Final printed labels in response to Agency letter dated _____
<input type="checkbox"/> Resubmission in response to Agency letter dated _____	<input type="checkbox"/> "Me Too" Application.
<input checked="" type="checkbox"/> Notification - Explain below.	<input type="checkbox"/> Other - Explain below.

NOTIFICATION

DEC 23 2013

Explanation: Use additional page(s) if necessary. (For section I and Section II.)

To revise label to add the pollinator protection statement restricting use on linden trees that is being required by the Oregon Department of Agriculture

Section - III

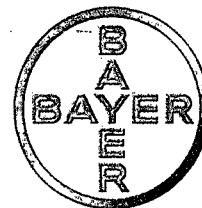
1. Material This Product Will Be Packaged In:				2. Type of Container	
Child-Resistant Packaging <input type="checkbox"/> Yes <input type="checkbox"/> No	Unit Packaging <input type="checkbox"/> Yes <input type="checkbox"/> No	Water Soluble Packaging <input type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/> Metal <input type="checkbox"/> Plastic <input type="checkbox"/> Glass <input type="checkbox"/> Paper <input type="checkbox"/> Other (Specify) _____	
* Certification must be submitted		If "Yes" Unit Packaging wgt.	No. per container	If "Yes" Package wgt.	No. per container
3. Location of Net Contents Information <input type="checkbox"/> Label <input type="checkbox"/> Container		4. Size(s) Retail Container		5. Location of Label Directions <input type="checkbox"/>	
6. Manner in Which Label is Affixed to Product <input type="checkbox"/> Lithograph <input type="checkbox"/> Paper glued <input type="checkbox"/> Stenciled		<input type="checkbox"/> Other _____			

Section - IV

1. Contact Point (Complete items directly below for identification of individual to be contacted, if necessary, to process this application.)					
Name Norma C. Pangilinan, Ph.D.		Title Registrations Manager		Telephone No. (include Area Code) 919 549-2428	
Certification I certify that the statements I have made on this form and all attachments thereto are true, accurate and complete. I acknowledge that any knowingly false or misleading statement may be punishable by fine or imprisonment or both under applicable law.					6. Date Application Received (Stamped)
2. Signature 		3. Title Registrations Manager			
4. Typed Name Norma C. Pangilinan, Ph.D.		5. Date December 10, 2013			

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Bayer CropScience



Document Processing Desk (NOTIF)
EPA - Office of Pesticide Programs (7504P)
One Potomac Yard, Room S-4900
2777 S. Crystal Drive
Arlington, VA 22202

Attn: Venus Eagle,
Product Manager Team 1
Registration Division, Insecticide-Rodenticide

NOTIFICATION
DEC 23 2013

Subject: Label Notification with Oregon Dept of Agriculture Requirement
- Merit 0.45 Plus Turf Fertilizer (EPA Reg. No. 432-1356)

December 10, 2013

Dear Ms. Eagle

Bayer CropScience
P. O. Box 12014
2 TW Alexander Drive
Research Triangle Park
NC 27709
Tel: 919 549-2000

The enclosed Notification is being submitted to add the pollinator protection statement restricting use on linden trees that is being required by the Oregon Department of Agriculture.

This notification is consistent with the provisions of PR Notice 98-10 and EPA regulations at 40 CFR 152.46, and no other changes have been made to the labeling or the confidential statement of formula of this product. I understand that it is a violation of 18 U.S.C. Sec. 1001 to willfully make any false statement to EPA. I further understand that if this notification is not consistent with the terms of PR Notice 98-10 and 40 CFR 152.46, this product may be in violation of FIFRA and I may be subject to enforcement action and penalties under Sections 12 and 14 of FIFRA.

The following documents are enclosed in support of this application:

1. Completed EPA Form 8570-1
2. ~~2~~ 3 copies of the revised product label plus one highlighted copy tracking revision to label.

Please do not hesitate to call (919-549-2428) or e-mail me (norma.pangilinan@bayer.com), if you have any questions.

Sincerely,

BAYER ENVIRONMENTAL SCIENCE
A DIVISION OF BAYER CROPSCIENCE

NORMA C. PANGILINAN, Ph.D,
Registrations Manager

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Merit[®] 0.45 Plus Turf Fertilizer

For fertilization and insect control in turfgrass and landscape ornamentals

Fertilizer with Merit Insecticide

ACTIVE INGREDIENT:

Imidacloprid, 1-[(6-Chloro-3-pyridinyl)methyl]-N-nitro-2-imidazolidinimine 0.45%

OTHER INGREDIENTS: 99.55%

TOTAL: 100.00%

*U.S. Patent No. 5,783,203

EPA Reg. No. 432-1356

EPA Est. No. ____

Merit[®] is a registered trademark of Bayer.

STOP - READ THE LABEL BEFORE USE

KEEP OUT OF REACH OF CHILDREN

CAUTION

RECAUCION AL USUARIO: Si usted no puede leer o entender inglés, no use este producto hasta que la etiqueta le haya sido explicada ampliamente.

(TO THE USER: If you cannot read or understand English, do not use this product until the label has been fully explained to you.)

FIRST AID	
If swallowed:	<ul style="list-style-type: none">• Call a poison control center or doctor immediately for treatment advice.• Have person sip a glass of water if able to swallow.• Do not induce vomiting unless told to do so by a poison control center or doctor.• Do not give anything by mouth to an unconscious person.
If on skin or clothing:	<ul style="list-style-type: none">• Take off contaminated clothing.• Rinse skin immediately with plenty of water for 15 - 20 minutes.• Call a poison control center or doctor for treatment advice.
If in eyes:	<ul style="list-style-type: none">• Hold eye open and rinse slowly and gently with water for 15 - 20 minutes. Remove contact lenses, if present, after the first 5 minutes, then continue rinsing eye.• Call a poison control center or doctor for treatment advice.
Have the product container or label with you when calling a poison control center or doctor, or going for treatment. You may also contact 1-800-334-7577 for emergency medical treatment.	
NOTE TO PHYSICIAN: No specific antidote is available. Treat the patient symptomatically	

PRECAUTIONARY STATEMENTS

HAZARDS TO HUMANS AND DOMESTIC ANIMALS

CAUTION

Harmful if swallowed or absorbed through skin. Causes eye irritation. Avoid contact with skin, eyes, or clothing. Wash thoroughly with soap and water after handling

ENVIRONMENTAL HAZARDS

This product is highly toxic to aquatic invertebrates. Do not apply directly to water, or to areas where surface water is present or to intertidal areas below the mean high water mark. Do not contaminate water when disposing of equipment wash waters.

This chemical demonstrates the properties and characteristics associated with chemicals detected in groundwater. The use of this chemical in areas where soils are permeable, particularly where the water table is shallow, may result in groundwater contamination.

NOTIFICATION

DEC 23 2013

DIRECTIONS FOR USE

It is a violation of Federal law to use this product in a manner inconsistent with its labeling.

Do not formulate this product into other end-use products.

STORAGE AND DISPOSAL

Do not contaminate water, food, or feed by storage or disposal.

Pesticide Storage: Store in a cool, dry place and in such a manner as to prevent cross contamination with other pesticides, fertilizers, food, and feed. Store in original container and out of the reach of children, preferably in a locked storage area.

Handle and open container in a manner as to prevent spillage. If material is spilled for any reason or cause, carefully contain any spilled material to prevent non-target contamination. Do not walk through spilled material and dispose of as directed for pesticides above. Refer to Precautionary Statements on label for hazards associated with the handling of this material. In spill or leak incidents, keep unauthorized people away. You may contact the Bayer Environmental Science Emergency Response Team for decontamination procedures or any other assistance that may be necessary. The Bayer Environmental Science Emergency Response Telephone No. is 1-800-334-7577 or contact Chemtrec at 800-424-9300.

Pesticide Disposal: Wastes resulting from the use of this product may be disposed of on site or at an approved waste disposal facility.

Container Disposal: Non-refillable container. Do not reuse or refill this container. Offer for recycling, if available. Completely empty bag into application equipment. Dispose of empty bag in a sanitary landfill or by incineration.

APPLICATION TO TURFGRASS

The use of this product will provide plant nutrients as well as providing control of selected insect pests. Merit® 0.45 Plus Turf Fertilizer can be used for the control of soil inhabiting pests of turfgrass, such as Northern & Southern masked chafers, *Cyclocephala borealis*, *C. immaculata*, and/or *C. lurida*; Asiatic garden beetle, *Maladera castanea*; European chafer, *Rhizotrogus majalis*; May or June beetles, *Phyllophaga* spp.; Japanese beetle, *Popillia japonica*; Oriental beetle, *Anomala orientalis*; Billbugs, *Sphenophorus* spp.; Annual bluegrass weevil, *Hyperodes* spp.; Black turfgrass ataenius, *Ataenius spretulus*; *Aphodius* spp.; European Crane Fly *Tipula paludosa*; and mole crickets, *Scapteriscus* spp. Merit 0.45 Plus Turf Fertilizer can be used as directed on turfgrass in sites such as home lawns, business and office complexes, shopping complexes, multi-family residential complexes, golf courses, airports, cemeteries, parks, playgrounds, and athletic fields. Merit 0.45 Plus Turf Fertilizer cannot be used on commercial sod farms.

RECOMMENDED APPLICATION RATES		
CROP	PEST1,000	DOSAGE MERIT + TURF FERTILIZER
Turf Grasses	Larvae of: Annual bluegrass weevil Asiatic garden beetle Billbugs Black turfgrass ataenius European chafer	European Crane Fly Japanese beetle Northern masked chafer Oriental beetle <i>Phyllophaga</i> spp. Southern masked chafer
	Larvae of: Asiatic garden beetle Black turfgrass ataenius European chafer European Crane Fly	Japanese beetle Northern masked chafer Oriental beetle <i>Phyllophaga</i> spp. Southern masked chafer
	Larvae of: Annual bluegrass weevil Billbugs	70 to 90 lb per acre or 1.6 to 2.0 lb per 1,000 sq ft
	For optimum control, make application prior to egg hatch of the target pest. Be sure to read "APPLICATION EQUIPMENT" Section of this label.	
	Mole crickets	90 lb per acre or 2.0 lb per 1,000 sq ft
	For control of mole crickets make application prior to or during the peak egg hatch period. When adults or large nymphs are present and actively tunneling, Merit 0.45 Plus Turf Fertilizer application should be accompanied by a curative insecticide.	

Consult your local State Agricultural Experiment Station or State Extension Turf Specialists for more specific information regarding timing of application.

NOTE: For optimum control, irrigation or rainfall should occur within 24 hours after application to move the active ingredient through the thatch. On golf courses, irrigate treated areas following application. Do not apply more than 90 lb (0.4 lb of active ingredient) per acre per year. Avoid mowing turf or lawn area until after irrigation or rainfall has occurred so that uniformity of application will not be affected.

The active ingredient in Merit 0.45 Plus Turf Fertilizer has sufficient residual activity so that applications can be made preceding the egg laying activity of the target pests. High levels of control can be achieved when applications are made preceding or during the egg laying period. The need for an application can be based on historical monitoring of the site, previous records or experiences, current season adult trapping or other methods. Optimum control will be achieved when applications are made prior to egg hatch of the target pest, followed by sufficient irrigation or rainfall to move the active ingredient through the thatch.

Applications should not be made when turfgrass areas are waterlogged or the soil is saturated with water. Adequate distribution of the active ingredient cannot be achieved when these conditions exist. The treated turf must be in such a condition that the rainfall or irrigation will penetrate vertically into the soil profile. Applications cannot exceed a total of 90 lb (0.4 lb of active ingredient) per acre per year.

APPLICATION TO ORNAMENTALS

Merit 0.45 Plus Turf Fertilizer can be used as a broadcast application on ornamentals in commercial and residential landscapes, as well as on landscaped areas of golf courses and other recreational areas. This is a systemic product, with the active ingredient being absorbed by the roots and translocated upward within the plant. Optimum control will be achieved when applications are followed by sufficient mechanical incorporation, irrigation, or rainfall to place the active ingredient into the soil. Application should be made prior to anticipated pest infestation to achieve optimum levels of control.

Applications of Merit 0.45 Plus Turf Fertilizer cannot exceed a total of 90 lb (0.4 lb of active ingredient) per acre per year.

NOTE: Not for use in commercial greenhouses, or nurseries, or on sod farms.

RECOMMENDED APPLICATION RATES FOR USE ON ORNAMENTALS		
CROP	PEST	DOSAGE MERIT + TURF FERTILIZER
Landscape Plantings Including: Trees, Shrubs, Evergreens, Flowers, Foliage, Plants, Ground Covers	White grub larvae Such as : Japanese beetle larvae, Chafers, <i>Phyllophaga</i> spp. Asiatic garden beetle, Oriental beetle	1.6 to 2.0 lb per 1,000 sq ft
Apply as a broadcast treatment. Prior to application, remove black plastic or other weed barrier material that will not permit water permeability.		
Restriction: Do not apply this product, by any application method, to linden, basswood, or other Tilia species.		
NOTE: For optimum control, mechanical incorporation, irrigation, or rainfall should occur within 24 hours after application to move the active ingredient into soil.		
Refer to label sections on application equipment and spreader settings.		

APPLICATION EQUIPMENT

Apply Merit 0.45 Plus Turf Fertilizer uniformly over the area being treated with typical granular application equipment. Both drop-type and rotary-type spreaders may be used to apply Merit 0.45 Plus Turf Fertilizer. Avoid the use of spreaders which would apply the material in narrow, concentrated bands. Calibrate application equipment prior to use according to the manufacturer's directions. Check frequently to be sure equipment is working properly and distributing granules uniformly and accurately.

SPREADER SETTINGS FOR MERIT 0.45 PLUS TURF FERTILIZER

The following chart can be used as a guide in establishing an accurate rate of Merit 0.45 Plus Turf Fertilizer. The suggested settings should provide an application rate of 1.6 lb per 1,000 sq ft, or 70 lb per acre. Application rates will vary dependent upon speed, equipment wear and condition of spreader. Carefully calibrate all equipment used prior to commercial use of this product.

[Chart to Come]

RESTRICTIONS

Avoid runoff or puddling of irrigation water following application. Avoid application of Merit 0.45 Plus Turf Fertilizer to areas which are water-logged or saturated, which will not allow penetration into the root zone of the plant. Do not apply more than 90 lb (0.4 lb of active ingredient) per acre per year. Do not apply to vegetable gardens.

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IMPORTANT: READ BEFORE USE

Read the entire Directions for Use, Conditions, Disclaimer of Warranties and Limitations of liability before using this product.

If terms are not acceptable, return the unopened product container at once. By using this product, user or buyer accepts the following Conditions, Disclaimer of Warranties and Limitations of Liability.

CONDITIONS: The directions for use of this product are believed to be adequate and must be followed carefully. However, it is impossible to eliminate all risks associated with the use of this product. Crop injury, ineffectiveness or other unintended consequences may result because of such factors as weather conditions, presence of other materials, or the manner of use or application, all of which are beyond the control of Bayer CropScience LP. All such risks shall be assumed by the user or buyer.

DISCLAIMER OF WARRANTIES: TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, BAYER CROPSCIENCE LP MAKES NO OTHER WARRANTIES, EXPRESS OR IMPLIED, OF MERCHANTABILITY OR OF FITNESS FOR A PARTICULAR PURPOSE OR OTHERWISE, THAT EXTEND BEYOND THE STATEMENTS MADE ON THIS LABEL. No agent of Bayer CropScience is authorized to make any warranties beyond those contained herein or to modify the warranties contained herein. TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, BAYER CROPSCIENCE LP DISCLAIMS ANY liability whatsoever for special, incidental or consequential damages, resulting from the use or handling of this product.

LIMITATIONS OF LIABILITY: TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, THE EXCLUSIVE REMEDY OF THE USER OR BUYER FOR ANY AND ALL LOSSES, INJURIES OR DAMAGES RESULTING FROM THE USE OR HANDLING OF THIS PRODUCT, WHETHER IN CONTRACT, WARRANTY, TORT, NEGLIGENCE, STRICT LIABILITY OR OTHERWISE, SHALL NOT EXCEED THE PURCHASE PRICE PAID, OR AT BAYER CROPSCIENCE LP'S ELECTION, THE REPLACEMENT OF PRODUCT.

***This product may be the subject of one or more Bayer patents, including but not limited to U.S. Patent No. 5,783,203.**

PRODUCED FOR



Bayer Environmental Science

A DIVISION OF BAYER CROPSCIENCE LP
2 T. W. ALEXANDER DRIVE
P.O. BOX 12014
RESEARCH TRIANGLE PARK, NC 27709

Merit® 0.45 Plus Turf Fertilizer (Pending) 12/10/2013